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Lawyer denies CIA would lie about Tafoya

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FORT COLLINS — A CIA lawyer Tuesday testified that he never told detectives here the agency would lie rather than admit Eugene Tafoya was a secret agent.

Tafoya, on trial in Fort Collins District Court on charges of attempted first-degree murder and conspiracy to commit murder in the shooting of Libyan dissident Faisal Zagallai, claims he was working for the CIA when he met Zagallai on Oct. 14, 1980.

A report by Fort Collins police Detective Ray Martinez notes that CIA General Counsel Jerry Johnson told the detective that if the agency had, in fact, hired Tafoya, "we would have to deny our involvement."

Johnson said Tuesday that Martinez's account was "a gross misstatement."

Tuesday's testimony apparently helped the defense. If the jury chooses to believe Johnson, then the credibility of Martinez — the case's chief investigator — is shaken. But if the jury believes Martinez, then the CIA's denial that Tafoya worked for the agency is in doubt.

Testimony ended Tuesday, and the jury is expected to begin deliberating Wednesday or early Thursday after closing arguments.

Johnson told the jury that the CIA wouldn't publicly reveal classified information, but wouldn't publicly lie about it either.

"It's not the policy of the CIA to encourage people to commit perjury," he said.

If Tafoya had any classified CIA involvement, the CIA simply would refuse to answer questions about it, Johnson said. It wouldn't issue a denial, he said.

After testimony Tuesday, Martinez said he



Jerry Johnson
CIA lawyer denies officer's report

may have misunderstood Johnson about CIA disclosure of classified information.

However, defense attorney Scott Robinson appeared elated by the testimony. He told reporters that it is "clear he (Tafoya) was working for the CIA."

Even before Johnson's testimony, the defense apparently gained ground Tuesday by hammering Martinez with questions about Tafoya's alleged CIA involvement.

The attorneys noted that Martinez had written in reports that Tafoya had emphasized to him that he was working for the CIA.

Although he admitted not writing it in those reports, Martinez claims Tafoya's assertions that he worked for the CIA were "iffy."

Tafoya testified that he went to the Zagallai apartment in Fort Collins to deliver a message from the CIA telling Zagallai to tone down alleged anti-Zionist radio broadcasts to the Middle East.

The prosecutors contend Tafoya was hired to kill Zagallai as part of a plot by Libyan strongman Col. Moammar Khadafy to "liquidate" Libyan dissidents abroad.

Late Tuesday prosecutors and defense attorneys huddled to hammer out instructions which are to be read to the jury Wednesday by District Judge J. Robert Miller. The trial is in its fifth week.